

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445

NV-020-06-EA-11

Decision Record

Burning Man 2006-2010 Special Recreation Permit

Decision

It is my decision to authorize Special Recreation Permit #NV025-06-01 to allow Black Rock City LLC (BRC) to conduct the Burning Man event on an annual basis for 5 years (2006 to 2010). This permit is authorized for the 2006 event, and may be renewed for up to four additional years. Annual authorization of this permit will be required for future events in the years 2007 through 2010. An Environmental Analysis, EA NV-020-06-EA-11, *Burning Man 2006-2010 Special Recreation Permit* resulted in a Finding of No Significant Impact (FONSI). A copy of the FONSI and EA are attached.

This decision is in compliance with the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000, which was enacted by Congress to create special designations for 1.2 million acres of public lands managed by the Bureau of Land Management (BLM) in northwestern Nevada. The decision is in conformance with the Resource Management Plan for Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada (NCA RMP). The permit will be issued in conformance with 43 CFR 2930.

My decision is based upon selection of the proposed action with the two changes shown below. The two changes incorporate elements of Alternative 2 from the referenced EA, which allow for a higher participant population than provided in the proposed action, but less than the 50,000 participants analyzed under alternative 2.

- When the maximum population of the event is below 40,000, the event would be alternated between Sites A & B as described in the Proposed Action. When the maximum population of the event exceeds 40,000, the event would be alternated between Sites B & C as described for Alternative 2.
- The annual population of the event will be allowed to increase a maximum of 6% over the previous maximum population. If the entire 6% increase occurred each year, this would result in a maximum population of 47,500 in 2010. This allows the permittee and BLM to plan and administer the event in a more predictable and orderly manner, assures that available infrastructure in the area of the event is able to support the participants, and in turn improves protection of natural resources.

Rationale

1. This decision will provide opportunities on public land for BRC to conduct the Burning Man event in an area with few natural resource conflicts.
2. Rotation of the event site among multiple locations will provide opportunities to evaluate subtle impacts of the event by providing before and after research opportunities.
3. Limiting the rate of increase to a maximum of 6% per year allows BRC, the BLM and other cooperators to plan and administer the event in a more predictable and orderly manner.
4. Based on the environmental analysis, it is determined that this decision will not result in any undue or unnecessary environmental degradation of the public lands and is consistent with federal, state, and local laws, regulations and plans.
5. The selected alternative will not adversely impact any threatened or endangered species or significant scientific, cultural or historical resources.
6. The selected alternative will not adversely affect public health or safety. The project and its potential effects on the human environment are not highly uncertain and do not involve unique or unknown risks.

Compliance and Monitoring

A permit will be issued to Black Rock City LLC (BRC) to conduct the Burning Man event annually during the 2006 through 2010 period. However, each year's event will require an annual authorization. Prior to that authorization, a detailed review and evaluation of the previous year's event would be conducted and the special stipulations modified to deal with issues and concerns raised during the previous event. Additionally, the permit is subject to cancellation or modification during the permit period based upon performance of the permittee, changes in law, regulation or policy, changes in resource conditions, or upon newly available information.

In addition to the Special Recreation Permit's standard stipulations, special stipulations were developed and both are included in the attached FONSI and environmental assessment and made a part of this decision.

The Bureau of Land Management will be responsible to ensure compliance with the terms and conditions of the permit.

Public Input

Scoping was conducted December 13, 2005 through January 30, 2006. 12 comments were received and analyzed during the preparation of the preliminary EA. Additionally comments and issues raised during previous permit assessments from 1999 through 2004

were also considered in development of issues and topics for analysis in the environmental assessment.

Prior to this decision, the environmental assessment was available for public comment from April 4, 2006 through May 5, 2006. Approximately 4,000 comments were received in letter and email form during the comment period for the preliminary EA. The vast majority of comments were related to four controversial stipulations related to the size of the event, local law enforcement coverage by Pershing County, eviction procedures and whether or not BRC LLC staff should be counted in the daily head counts. Other comments addressed environmental issues including impacts to local communities, impacts to the surface of the playa and surrounding areas, and morality issues.

The comments received during public review were used as the basis of a complete review of the special stipulations related to the logistics and administration of the event. As a result of this review, several stipulations that duplicated requirements of the regulations were deleted, a number of stipulations were modified, and several additional stipulations added. None of these changes to the special stipulations involved environmental issues.

The concerns identified in the comments related to environmental issues duplicated those expressed in previous permitting efforts and no new issues were raised. All environmental issues were identified and addressed in the EA. Mitigating measures have been incorporated into the action alternatives within the EA and no additional mitigation measures have been proposed.

Appeal Procedures

Any party who feels they are adversely affected by this decision must appeal within 30 days of receipt of this decision in accordance with the provisions of 43 CFR 4.4. 1. If you decide to appeal this decision, please follow the instructions on the attached Form 1842-1, *Instructions on taking appeals to the Interior Board of Land Appeals*.

Authorized Officer's Signature



David C. Cooper, NCA Manager

June 7, 2006
Date

2 Attachments:

1. FONSI and EA # NV-020-06-EA-11, Burning Man 2006-2010 Special Recreation Permit.
2. Form 1842-1. Instructions on taking appeals to the Interior Board of Land Appeals.